the customers of a malting concern to violate their contracts, an injunction was granted to restrain such action. *American Malting Co.* v. *Keitel* (1914), 217 Fed. 672. And it has been held that an injunction will lie to prevent a landlord from intimidating his tenant by violence into abandoning his crop before harvest, and thus violating his contract. *Bussell* v. *Bishop* (Ga. 1921), 110 S. E. 174.

The instant case is in line with the decided weight of authority in holding that an injunction will be issued to restrain a stranger from attempting to induce the breach of a contract not illegal or contrary to public policy.

INTOXICATING LIQUORS—SEARCH AND SEIZURE—SEIZURE WITHOUT WARRANT HELD NOT UNLAWFUL.—In response to a fire alarm, police officers went with firemen to the home of accused, and after the fire was extinguished went with the accused and firemen into a shed adjoining the house and connected therewith, and which had been the seat of the fire. There they found a still, bottles and barrels containing liquor and mash, which they seized, the search and seizure being without a warrant. The accused petitioned the court that the articles be returned to him, on the grounds that such search and seizure amounted to a violation of Amendment IV of the Constitution of the United States, and of article I, section 8, of the Constitution of Connecticut, providing against unreasonable searches and seizures, and prescribing the use of duly procured warrants. *Held,* the search and seizure was not unlawful. *State* v. *Magnano* (Conn. 1922), 117 Atl. 550.

It is quite generally held that the Fourth Amendment to the United State Constitution is not binding on the State courts, and affords no protection against the misconduct of police officers not acting under any claim of federal authority. *Weeks* v. *United States* (1914), 232 U. S. 383, 34 Sup. Ct. 34, Ann. Cas. 1915C, 1177. But this clause appears also in all State Constitutions in slightly varying language. *State* v. *Peterson* (Wyo. 1920), 194 Pac. 342, 13 A. L. R. 1284. Whether search and seizure without a warrant violates the clause of the State Constitutions seems to depend more on the search than on the seizure. If the search be unnecessary, if the contraband article be fully disclosed and open to the eye and hand, or, to borrow the phrase of the Kentucky Court, if the liquor "discover itself," then no warrant is necessary and it may be lawfully seized. *Bowling* v. *Commonwealth* (Ky. 1922), 237 S. W. 381; *State* v. *Quinn* (1918), 111 S. C. 174, 97 S. E. 62, 3 A. L. R. 1500.

In some states it is held that the police may search any place to which they have lawful access. *Smith* v. *Jerome* (N. Y. 1905), 47 Misc. Rep. 22, 93 N. Y. S. 202. Consent of the owner of the premises makes search lawful, and one who consents to have his property searched by an officer without a warrant has no right of action for an illegal search. *McClurg* v. *Brenton* (1904), 123 Iowa 368, 98 N. W. 881, 101 Am. St. Rep. 323, 65 L. R. A. 519. And the search is not unconstitutional when made by invitation of accused's wife. *Smith* v. *McDuffee* (1914), 72 Ore. 276, 142 Pac. 558, 143 Pac. 929, Ann. Cas. 1916D, 947. Even the consent and aid of a servant or agent, left in charge of the premises, keeps the search from being a violation of the constitutional provision. *State* v. *Griswold* (1896), 67 Conn. 290, 34 Atl. 1046, 33 L. R. A. 227.

But for an officer without a valid search warrant or consent to search

the premises for an alleged offender, or to take possession of property discovered in such unlawful search, violates the provision of the constitution, and the guilt or innocence of the owner of the premises is immaterial. *Youman* v. *Commonweatlh* (1920), 189 Ky. 152, 224 S. W. 860, 13 A. L. R. 1303.

Ever since the expression "A man's house is his castle" crystallized into the Fourth Amendment to the Federal Constitution, and later found its way into all State constitutions, it has been considered one of the most effective safeguards of American liberty. And, although a large number of courts are apparently willing to warp, twist, and evade it at any time to secure a conviction, there is still a respectable number of courts holding that this tendency to obtain convictions by unlawful seizures, destructive of rights secured to the people, should find no sanction. *Weeks v. United States, supra; State* v. *Peterson, supra; Youman* v. *Commonwealth, supra.*

For a general discussion of the different views taken by the courts under the National Prohibition Act, see 8 VA. LAW REV. 299.

MASTER AND SERVANT—WORKMEN'S COMPENSATION ACT—EMPLOYEE COMPENSATED FOR TOTAL DISABILITY, THOUGH INJURY MERELY AGGRAVATED PRIOR DISEASE.—The plaintiff, an employee of the defendant company, was suffering from a tuberculous and syphilitic condition, which had become localized in the right shoulder. Said condition had become stable, and did not disable or incapacitate the plaintiff for his work as a laborer. On August 20, 1920, the plaintiff received a blow on the right shoulder joint, arising in the course of and out of his employment, which immediately aggravated and accelerated the tuberculous and syphilitic condition previously existing and produced a condition incapacitating the plaintiff to work from the date of the injury, August 21, 1920, to May 31, 1921. Pub. Acts 1919, c. 142, sec. 1, amending Gen. St. 1918, sec. 5341, which is a part of the Workman's Compensation Law of Connecticut provided that, in case of aggravation of a disease, compensation is allowed only for the proportion of the disability reasonably attributed to the injury. *Held,* compensation awarded for entire incapacity. *Bongialatte* v. *H. Wales Lines Co. et al.* (Conn. 1922), 117 Atl. 696.

Cases of this character have arisen in many of our States, and the decisions of each State have depended very strongly upon the phraseology of the Workmen's Compensation Act of that particular State.

An employee having latent tuberculosis, received a personal injury, arising out of and in the due course of his employment, which aggravated and accelerated his latent tuberculosis into active tuberculosis, from which he died. His dependents were entitled to compensation under the Workmen's Compensation Act. *Republic Iron & Steel Co.* v. *Markiowicz et al.* (Ind. 1921), 129 N. E. 710; *McGoey* v. *Turin Garage & Supply Co. et al.* (N. Y. 1921), 195 App. Div. 436, 186 N. Y. S. 697. And when the employee has a pre-existing disease which is aggravated and accelerated by an accidental injury in the course of employment, compensation may be awarded under the Workmen's Compensation Act, but the accidental injury must be the immediate or proximate cause of death. *Jakub* v. *Industrial Commission et al.* (1919), 288 Ill. 87, 123 N. E. 263; *Peoria Railway Terminal Co.* v. *Industrial Board* (1917), 279 Ill. 352, 116 N. E. 651.